

Question next recurring on the motion of Senator Hardeman, it was adopted by the following vote:

## Yeas—17

Aikin	Kelley of Hidalgo
Ashley	Lane
Bullock	Lock
Carter	Moore
Colson	Shofner
Corbin	Strauss
Hardeman	Tynan
Hazlewood	Wagonseller
Hudson	

## Nays—10

Bracewell	Moffett
Fuller	Nokes
Kelly of Tarrant	Parkhouse
Martin	Phillips
McDonald	Russell

## Absent

Bell	Weinert
Carney	

## Absent—Excused

Vick

Accordingly, the Senate at 5:25 o'clock a. m. adjourned until 2:00 o'clock p. m. today.

## FORTY-SEVENTH DAY

(Tuesday, April 3, 1951)

The Senate met at 2:00 o'clock p. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hudson	Tynan
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert

## Absent

Hazlewood	Vick
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## Absent—Excused

Martin

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

## Leave of Absence

Senator Martin was granted leave of absence for today on account of important business on motion of Senator McDonald.

## House Bills and Resolutions on First Reading

The following bills and resolutions received from the House were read first time and referred to the committees indicated:

H. C. R. No. 40—To Committee on Civil Jurisprudence.

H. B. No. 51—To Committee on Banking.

H. B. No. 393—To Committee on State Affairs.

H. B. No. 512—To Committee on State Affairs.

H. C. R. No. 23—To Committee on Civil Jurisprudence.

H. C. R. No. 28—To Committee on Civil Jurisprudence.

H. C. R. No. 38—To Committee on Finance.

H. C. R. No. 39—To Committee on Civil Jurisprudence.

H. B. No. 276—To Committee on Educational Affairs.

## Senate Bill 278 on Third Reading

Senator Hardeman asked unanimous consent to suspend the regular order of business and Senate Rule 12 and that S. B. No. 278 be laid out on third reading and final passage.

There was objection.

Senator Hardeman then moved to suspend the regular order of business and Senate Rule 12 and that S. B. No. 278 be laid out on third reading and final passage.

The motion prevailed by the following vote:

## Yeas—19

Aikin	Kelley of Hidalgo
Ashley	Lane
Bullock	Lock
Carney	Moore
Carter	Shofner
Colson	Strauss
Corbin	Tynan
Fuller	Wagonseller
Hardeman	Weinert
Hudson	

## Nays—9

Bell	Nokes
Bracewell	Parkhouse
Kelly of Tarrant	Phillips
McDonald	Russell
Moffett	

## Absent

Hazlewood	Vick
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## Absent—Excused

Martin

The President laid before the Senate on third reading and final passage the following bill:

S. B. No. 278, A bill to be entitled "An Act repealing Article 601, Revised Civil Statutes of Texas of 1925, and House Bill No. 1, being Chapter 316, Acts of the 51st Legislature; creating a Board of Control and defining its powers and duties; among other powers and duties being those heretofore exercised by the Board of Control abolished by this Act, as well as those heretofore exercised by the Board for Texas State Hospitals and Special Schools; etc.; and declaring an emergency."

The bill was read third time.

Senator Hardeman moved the previous question on the final passage of S. B. No. 278 and the motion was duly seconded.

The motion prevailed by the following vote:

## Yeas—15

Ashley	Lane
Bullock	Lock
Carney	Moore
Carter	Shofner
Colson	Strauss
Corbin	Tynan
Hardeman	Weinert
Hudson	

## Nays—13

Aikin	Bracewell
Bell	Fuller

Kelley of Hidalgo	Parkhouse
Kelly of Tarrant	Phillips
Moffett	Russell
Nokes	Wagonseller

## Absent

Hazlewood	Vick
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## Absent—Excused

Martin

The bill was passed by the following vote:

## Yeas—19

Aikin	Lane
Ashley	Lock
Bullock	Moore
Carney	Shofner
Carter	Strauss
Colson	Tynan
Corbin	Vick
Hardeman	Wagonseller
Hudson	Weinert
Kelley of Hidalgo	

## Nays—10

Bell	Moffett
Bracewell	Nokes
Fuller	Parkhouse
Kelly of Tarrant	Phillips
McDonald	Russell

## Absent

Hazlewood

## Absent—Excused

Martin

## Reports of Standing Committees

Senator Carney submitted the following report:

Austin, Texas,  
April 2, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred Senate Bill No. 298, have had same under consideration and are reporting it back to the Senate with the recommendation that it do pass and be printed.

CARNEY, Chairman

Senator Phillips submitted the following reports:

Austin, Texas,  
March 28, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 377, have had the same

under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman

Austin, Texas,  
March 28, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. C. R. No. 39, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PHILLIPS, Chairman

Austin, Texas,  
March 28, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 193, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman

Austin, Texas,  
March 28, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 286, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

PHILLIPS, Chairman

Austin, Texas,  
March 28, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 380, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman

Austin, Texas,  
March 28, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 74, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman

Austin, Texas,  
March 28, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 371, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PHILLIPS, Chairman

Austin, Texas,  
March 28, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 214, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman

#### Senate Bill 400 on First Reading

Senator Carney moved that Senate Rule 114, and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Bullock	Nokes
Carney	Parkhouse
Carter	Phillips
Colson	Russell
Corbin	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert

Absent

Fuller Lock

Absent—Excused

Martin

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Carney:

S. B. No. 400, A bill to be entitled "An Act amending Section 1-a of Article 2350, Revised Civil Statutes of Texas, 1925, as amended, so as to provide for the payment of actual traveling expenses of county commissioners in counties of 26,600 to 26,700 population and said county bordering on two states, while traveling inside or outside of the county on official business, provided that the traveling expenses of any county commissioner shall never exceed Eight Hundred (\$800.00) Dollars in any one year; repealing all laws in conflict herewith to the extent of such conflict; and declaring an emergency."

To Committee on Counties and County Boundaries.

#### Senate Bill 401 on First Reading

Senator Kelley of Hidalgo moved that Senate Rule 114, and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lane
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Bullock	Nokes
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Hardeman	Shofner
Hazlewood	Strauss
Hudson	Tynan
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert

#### Absent

Carney	Lock
Fuller	Vick

#### Absent—Excused

Martin

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Kelley of Hidalgo:

S. B. No. 401, A bill to be entitled

"An Act authorizing certain independent school districts to issue refunding bonds due serially and bearing interest at a rate or rates not to exceed three and one-half (3½%) per cent interest per annum, for the purpose of refunding outstanding term refunding bonds bearing graduated rates of interest; providing that, in lieu of exchanging such refunding bonds, they may be sold and the proceeds deposited in the bank where the outstanding bonds are payable; providing that when such serial refunding bonds are approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts they shall constitute valid and binding obligations of such district; providing that such districts may, after making provision for the refunding of its outstanding term bonds and after an authorizing election issue bonds for school purposes and prescribing the limit of the rate of tax for the payment of such additional bonds and the limit in the amount of bonded indebtedness which may be incurred; enacting other provisions relating to the subject; and declaring an emergency."

To Committee on Educational Affairs.

#### Committee Substitute Senate Bill 263 on Second Reading

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 263, A bill to be entitled "An Act providing for the form and contents of accident and sickness insurance policies issued in this State; defining certain terms for the purpose of this Act; declaring this Act to be applicable to life, health and accident companies, mutual life insurance companies, fraternal benefit societies, mutual assessment life insurance companies, mutual insurance companies, local mutual aid associations, mutual or natural premium life or casualty insurance companies, stock casualty companies, or Lloyds; excepting certain exempt societies and companies from the provisions of this Act; etc.; and declaring an emergency."

The bill was read second time and passed to engrossment.

### Committee Substitute Senate Bill 263 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. Bill No. 263 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Ashley	Lock
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert

Absent—Excused

Martin

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

### Senate Bill 143 on Second Reading

The President laid before the Senate as postponed business on its second reading and passage to engrossment the following bill (the bill having been read second time on Tuesday, March 27, 1951):

S. B. No. 143, A bill to be entitled "An Act creating and establishing a Commission to be known as the Liquefied Petroleum Gas Commission, prescribing the number of members of said Commission, their qualifications and duties, providing for the appointment of an Executive Director and employees; giving said Commission the power and authority to make rules and regulations to carry out the purposes of this Act; prescribing the manner of appeal by any licensee under this Act who is affected by such rule or regulation; providing for licenses and fees for all persons covered by this Act; providing for a surety bond and insurance coverage for all licensees; providing for can-

cellation of licenses after hearing; providing for disposition of all fees, and declaring an emergency."

Senator Strauss asked unanimous consent to call from the Journal the motion to reconsider the vote by which the Lane amendments were adopted to S. B. No. 143.

There was no objection offered.

On motion of Senator Strauss and by unanimous consent, the vote by which the Lane amendments were adopted was reconsidered.

Senator Lane then withdrew the amendments.

Senator Strauss then offered the following amendment to the bill:

Amend S. B. No. 143 by striking out everything below the enacting clause and inserting in lieu thereof the following:

"Section 1. It is hereby declared the purpose of this Act to provide, and there is hereby created, a separate division of the Railroad Commission of Texas, to be known as the Liquefied Petroleum Gas Division of the Railroad Commission of Texas, to administer the laws of the State of Texas pertaining to the liquefied petroleum gas operations in Texas. The Railroad Commission of Texas shall appoint and employ a director of such division who shall devote his full time in administering the provisions of this Act and sufficient employees shall be provided for the enforcement of this Act. The Railroad Commission of Texas, shall, through the Liquefied Petroleum Gas Division, administer or cause to be administered the duties imposed upon it by the laws of the State of Texas pertaining to the liquefied petroleum gas industry.

"Section 2. That Subsection 6 of Section 1 of Senate Bill No. 269, Acts 1945, 49th Legislature, page 629, Chapter 358, as amended by Senate Bill No. 256, Acts 1949, 51st Legislature, page 411, Chapter 220, also known as Article 6053 of the Revised Civil Statutes of Texas be and the same is hereby amended so as to add a new section to be known as Section 6 (c), to hereafter read as follows:

"Section 6 (c). Within thirty (30) days after the publication of any rules and regulations promulgated by the Railroad Commission under the authority of this Act, any holder of a

license provided for in Section 7 and who is affected by any such rule or regulation promulgated by the Commission may bring an action in the District Court of Travis County, Texas, to set aside any such rules or regulations as being unreasonable, unnecessary, or impractical in accomplishing the purpose of the Act or if the same be unnecessary, discriminatory or unjust. The petition of any such party shall set forth the rules and regulations so complained of and shall in detail set forth the reasons why such rules and regulations are unnecessary, discriminatory, or unjust. In all such trials the burden of proof shall be upon the party complaining of such rules and regulations. In such trials no presumption of validity shall be indulged in favor of any order entered by the Commission but evidence as to the validity or reasonableness thereof shall be introduced in such trials, and the determination thereof made upon facts to be found therein as in other civil cases and the procedure for such trials shall be governed solely by the rules of evidence and law followed by the courts of this state and under the constitution, statutes, and rules of procedure applicable to the trial of civil actions. It is the intent of the Legislature that such trials shall be strictly de novo and that the decision in each such case shall be made independently of any action taken by the Commission and upon a preponderance of the evidence adduced at such trial. In all such trials, those portions of the record of the hearing before the Commission which would be admissible in evidence if the witnesses or documents were tendered in court under the rules of evidence, shall be admitted in evidence without the necessity of producing the witnesses in person or by deposition or producing the original documents; provided, further that any adverse party may cross-examine any witness whose testimony from the record is so introduced, either by having him subpoenaed to appear when available or by taking his oral or written deposition under the provisions of the Texas Rules of Civil Procedure, and such cross-examination shall not be construed as causing the testimony of any such witness to be binding in any manner upon the party calling him for such cross-examination.'

"Section 3. That Subsection 7 of Section 1 of Senate Bill No. 269, Acts 1945, 49th Legislature, page 629,

Chapter 358, as amended by Senate Bill 256, Acts 1949, 51st Legislature, page 411, Chapter 220, also known as Article 6053 of the Revised Civil Statutes of Texas, be and the same is hereby amended by adding a new section to read as follows:

"Section 7 (c). All licenses issued under the provisions of this Act shall be automatically renewed between September 1st and September 15th each year by each licensee upon the filing of an application, which application should be accompanied by the annual fee or fees hereinafter provided for, and filing of evidence that said licensee is covered by insurance policies as required by this Act. The Railroad Commission shall provide such renewal forms.'

"Section 4. That Subsection 10 of Section 1 of Senate Bill No. 269, Acts 1945, 49th Legislature, page 629, Chapter 358, as amended by Senate Bill No. 256, Acts 1949, 51st Legislature, page 411, Chapter 220, also known as Article 6053, of the Revised Civil Statutes of Texas be and the same is hereby amended by adding a new section to read as follows:

"Section 10 (c). Renewal of all licenses shall be effected by the payment of the annual fee or fees and the furnishing to the Railroad Commission of evidence that said licensee is covered by the insurance policies required by this Act. All necessary renewal forms shall be furnished by the Railroad Commission.'

"Section 5. Subsection 11, Section 1, page 629, Chapter 358, Acts 49th Legislature, Regular Session 1945, as amended by Section 1, page 411, Chapter 220, Acts 51st Legislature, Regular Session 1949, codified as Section 11, Article 6053, Vernon's Civil Statutes of Texas, 1925, as amended, is amended so as to hereafter read as follows:

"Section 11. No license shall be issued pursuant to this section unless such licensee shall first file with the Commission a surety bond in the sum of Two Thousand Dollars (\$2,000.00) with a bonding company authorized to do business in Texas. All such bonds shall provide that the obligator herein will indemnify and pay the State of Texas, to the extent of the face amount thereof, all judgments which may be recovered in the name of the State of Texas against such licensee, during the term of such bond and proximately caused by any violation, by said licensee, of the terms of this

Act or any orders or rules promulgated by the Liquefied Petroleum Gas Division of the Railroad Commission of Texas, as authorized by this Act.

"In addition to the bond herein required, such licensee shall be required to procure from some reliable insurance carrier qualified to do business in this State, and keep same in force so long as they shall continue in business insurance coverage as follows:

"(1) Automobile bodily injury and property damage insurance coverages on each and every motor vehicle, including trailers and semi-trailers, used in the transportation of liquefied petroleum gases, in an amount of not less than Five Thousand (\$5,000.00) Dollars for bodily injuries sustained by any one person in any one accident and not less than Ten Thousand (\$10,000.00) Dollars for bodily injuries sustained by two or more persons in any one accident, and not less than Five Thousand (\$5,000.00) Dollars total property damage for any one accident.

"(2) Manufacturers and Contractors liability policy in an amount of not less than Five Thousand (\$5,000.00) Dollars for bodily injuries sustained by any one person in any one accident and not less than Ten Thousand (\$10,000.00) Dollars for bodily injuries sustained by two or more persons in any one accident, and not less than Five Thousand (\$5,000.00) Dollars total property damage for any one accident.'

"(3) Workmen's compensation or employers' liability coverage.'

"Section 6. That Section 12 of Article 6053, Revised Civil Statutes of Texas; as enacted by Senate Bill No. 269, Acts 1945, 49th Legislature, page 629, Chapter 358, be and the same is hereby amended to read as follows:

"Section 12. The Commission shall have the power and authority, and it shall be its duty to refuse to grant an original license to any applicant as it shall appear to the Commission upon hearing as herein provided, that such applicant and licensee has failed to comply with any provision of this Act; and the Commission shall also have the power and authority and it shall be its duty to cancel the existing license of any licensee if it shall appear to the Commission upon hearing, as herein provided, that such licensee has violated or failed to comply with any provision of this Act.'

"Section 7. That Subsection 18 of

Section 1 of Senate Bill No. 269, Acts 1945, 49th Legislature, page 629, Chapter 358, as amended by Senate Bill No. 256, Acts 1949, 51st Legislature, page 411, Chapter 220, also known as Article 6053, of the Revised Civil Statutes of Texas, be and the same is hereby amended so as to add a new section to be known as Section 18, to hereafter read as follows:

"Section 18. All funds held or controlled and all fees received from licenses issued under this Act by the Railroad Commission of Texas for the Liquefied Petroleum Gas Division and all funds thereafter received by the Railroad Commission under the provisions hereof, shall be deposited in the State Treasury, as received, to the credit of the Liquefied Petroleum Gas Division and expended in accordance with appropriations made by law. The funds realized from fees shall be applied first to the payment of the necessary expenses of the Liquefied Petroleum Gas Division in enforcing and administering the provisions of this Act. The members of said Railroad Commission shall look alone to the revenue derived from the operation of this law, appropriated by the legislature, for expenses of conducting the Liquefied Petroleum Gas Division and administering this Act.'

"Section 8. All laws or parts of laws in conflict with this Act are hereby repealed insofar as such laws may be in conflict.

"Section 9. In the event that any section, subsection, paragraph, sentence, clause, phrase, or word of this Act shall be held invalid, unconstitutional, or inoperative, such holding shall not affect the validity of the remaining portions of this Act, and the Legislature hereby declares that it would have enacted all remaining portions despite such invalidity or unconstitutionality.

"Section 10. The fact that there has been a rapid growth in the liquefied petroleum gas industry and the fact that the present laws of this State are not adequate to properly license and police said industry and protect the public creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

On motion of Senator Strauss and by unanimous consent, the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to engrossment.

#### Senate Bill 143 on Third Reading

Senator Strauss moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 143 be placed on its third reading and final passage.

The motion prevailed by the following vote:

##### Yeas—28

Aikin	Lane
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Bullock	Nokes
Carney	Parkhouse
Carter	Phillips
Colson	Russell
Corbin	Shofner
Fuller	Strauss
Hardeman	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert

##### Absent

Hazlewood	Lock
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##### Absent—Excused

Martin

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Committee Substitute Senate Bill 55 on Second Reading

On motion of Senator Carney and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 55, A bill to be entitled "An Act making an appropriation to pay the principal of a certain judgment against the State of Texas in Cause No. 86997 in the 98th District Court of Travis County, Texas, styled Trinity County Lumber Company, et al. vs. The State of Texas, according to the tenor, effect and reading of such

judgment; providing that only the principal of such judgment be paid and that no interest be paid thereon; and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Committee Substitute Senate Bill 55 on Third Reading

Senator Carney moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 55 be placed on its third reading and final passage.

The motion prevailed by the following vote:

##### Yeas—27

Aikin	Lane
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Bullock	Nokes
Carney	Parkhouse
Carter	Phillips
Colson	Russell
Corbin	Shofner
Fuller	Strauss
Hardeman	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	

##### Absent

Hazlewood	Weinert
Lock	

##### Absent—Excused

Martin

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

##### Yeas—27

Aikin	Lane
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Bullock	Nokes
Carney	Parkhouse
Carter	Russell
Colson	Shofner
Corbin	Strauss
Fuller	Tynan
Hardeman	Vick
Hudson	Wagonseller
Kelley of Hidalgo	Weinert
Kelly of Tarrant	



## Absent

Hazlewood Phillips  
Lock

Absent—Excused

Martin

## Senate Bill 132 on Second Reading

On motion of Senator Kelley of Hidalgo and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 132, A bill to be entitled "An Act providing for and regulating the restoration to employment of certain State employees now serving or who may serve in the armed forces of the United States in time of war or during the national emergency; and declaring an emergency."

The bill was read second time and passed to engrossment.

## Senate Bill 132 on Third Reading

Senator Kelley of Hidalgo moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 132 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Bullock	Nokes
Carney	Parkhouse
Carter	Phillips
Colson	Russell
Corbin	Shofner
Fuller	Strauss
Hardeman	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert

## Absent

Hazlewood Lock

Absent—Excused

Martin

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Russell
Bell	Shofner
Bracewell	Strauss
Bullock	Tynan
Carney	Vick
Carter	Wagonseller
Colson	Weinert
Corbin	McDonald
Fuller	Moffett
Hardeman	Moore
Hudson	Nokes
Kelley of Hidalgo	Parkhouse
Kelly of Tarrant	Phillips
Lane	

## Absent

Hazlewood

Absent—Excused

Martin

## Message From the Governor

The following message from the Governor was read and was referred to the Committee on Nominations of Governor:

Austin, Texas,  
April 3, 1951.

To the Senate of the Fifty-second Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a member of the Finance Commission for term to expire February 1, 1957:

R. J. Bartosh of Taylor, Williamson County.

Respectfully submitted,  
ALLAN SHIVERS,  
Governor of Texas.

## Adjournment

On motion of Senator Bracewell, the Senate at 3:15 o'clock p. m. adjourned until 10:30 o'clock a. m. tomorrow.

## In Memory of Albert C. Cook

Senator Ashley offered the following resolution:

(Senate Resolution 131)

Whereas, Mr. Albert Carlton Cook passed away February 25, 1951, in Austin, Texas, and

Whereas, Mr. Cook was born September 14, 1892, in Decatur, Indiana, and attended grade school in Cardwell, Missouri. And from the years 1910 to 1917, he served in various capacities for the following companies: St. Louis and Southwestern Railway Company of Pinebluff, Arkansas, St. Louis and Santa Fe Railway Companies in Chaffee, Missouri and Springfield, Missouri, and Pierce Oil Company of Ardmore, Oklahoma. During the years of 1917 through 1919, he served with distinction overseas as Corporal and Sergeant with the Second Engineers, United States Army. After his discharge from the Army, he continued work in the field of engineering during the years 1919 through 1921, with Pierce Oil Company, Fort Worth, Texas, and Sun Oil Company of Dallas, Texas. Between the years of 1921 and 1926, while receiving treatment at the Army Hospital, San Antonio, Texas, for wounds received in combat, he attended the University of Texas, and did summer work with the United States Geological Survey in Cooperation with the Board of Water Engineers at Austin, Texas. He also did drafting work for Miller Blue Print Company of Austin, Texas, and served for a time as City Engineer for the City of Georgetown. He received his Bachelor of Science degree in Civil Engineering from the University of Texas in 1929, and

Whereas, Since 1926 he served the State as a valuable employee, beginning his service during the years of 1926 and 1927, as Resident Engineer for the State Highway Department at Leander, Texas. In the year 1927, he began work with the State Board of Water Engineers as Assistant Hydraulic Engineer and prior to, and at the time of, his death, he was Office Engineer for the Board of Water Engineers, and

Whereas, On Christmas Day of 1927, Mr. Albert Carlton Cook was united in the bonds of holy matrimony with Miss Mildred Stockton of Leander, Texas. To this union a son was born January 29, 1930, Albert Carlton Cook, Jr. He is presently serving with the United States Marines and, at the time of his father's death, was at sea, and

Whereas, Mr. Cook was a loyal employee of the Board of Water Engineers for some twenty-three years, and during that time there was no task too large or too small for him to undertake. His versatility knew no limits and he performed successfully and masterfully any duty assigned him. His services with the Board were rendered with sincere cheerfulness, and the good he did for the department and for his fellow employees will continue to glow as a beacon to those who shall endeavor to carry on in a worthwhile manner; now, therefore, be it

Resolved, By the Senate of the Fifty-second Legislature of Texas, that recognition be given by this resolution to the sincerity, willingness and loyalty of Mr. Cook, and that the sympathy of the Senate be extended to his family and that copies of this resolution be sent to them.

ASHLEY  
KELLEY of Hidalgo

The resolution was read and was adopted by a rising vote of the Senate.

**In Memory of**  
**Dr. Alexander Asa Duncan**

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Senator Russell offered the following resolution:

(Senate Resolution 132)

Whereas, On Easter Sunday, March 25, 1951, Almighty God in His wisdom called from our midst the beloved Dr. Alexander Asa Duncan at the age of 81; and

Whereas, Throughout the State of Texas, the news of his passing brought a great sense of loss and bereavement, as hundreds in all walks of life had long looked to him for spiritual and moral guidance; and

Whereas, Dr. Duncan was born on a Georgia plantation on June 26, 1869, the oldest of twelve children and the grandson of a Baptist minister; he was converted and baptized at the age of fourteen; and he felt the call to the ministry almost from the day of his conversion and delivered his first sermon in 1893; and

Whereas, He served as minister and gave spiritual leadership to Baptist Churches in Mineola; Longview; Sulphur Springs; Marshall; McAlester, Oklahoma; Commerce; and Greenville; in addition to which he served as Chairman of the Board of Trustees of Burleson College, associate secretary of missions, and associate executive secretary of the Baptist General Convention of Texas; and

Whereas, His credo was "Love God and love your fellow man; live a clean life; be honest, never assume obligations you cannot meet; prepare yourself for your God-called ministry by getting an education, by studying constantly and by reading worth while books; work hard"; and

Whereas, In his passing, Texas has lost a great man whose life will always be an inspiration to those who knew him; now, therefore, be it

Resolved, That the members of the Senate of the State of Texas express our sorrow over the passing of this beloved citizen; that a page in the Journal be set aside to his memory; that a copy of this resolution be mailed to his surviving wife and two brothers and sister; and that when the Senate adjourns today, it do so in memory of Dr. Alexander Asa Duncan.

RUSSELL

The resolution was read and was adopted by a rising vote of the Senate.